

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4882 of 1983

Date of decision: 23-8-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

S V TAHILRAMANI

Versus

STATE OF GUJARAT

Appearance:

Mr. A. H. Mehta for Petitioner
Mr. Nigam Shukla for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/08/96

ORAL JUDGEMENT

Heard the learned counsel for the parties.

The petitioner filed this special civil application praying that he be given deemed date of promotion on the post of Police Inspector and be given consequential benefits. The counsel for the respondents contended that the benefit claimed by the petitioner in this special civil application is on the basis of the decision of this court wherein it has been held that the criteria for promotion to the post of Police Inspector is seniority cum merit. But later on contrary view has been taken by Division Bench of this Court and it has been held that the criteria for promotion to the post of Police Inspector is proved merit and efficiency. In view of this latest judgment the grievance of the petitioner is not tenable. The counsel for the petitioner is unable to controvert this aspect. When criteria for promotion is proved merit and efficiency the petitioner has no claim whatsoever. Where promotion is to be made on the criteria of proved merit and efficiency, even if the petitioner has average record he may be superseded by his juniors who have comparatively better record. When the criteria for promotion is proved merit and efficiency seniority is of no consequence and whosoever is found more meritorious by the Departmental Promotion Committee can be given promotion irrespective of seniority. This court will not sit as appellate authority over the decision of Departmental Promotion Committee.

3. In the result this special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

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